

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**ROBERT SALLEY and
BONITA CUNNINGHAM**

PLAINTIFFS

v.

CAUSE NO: 4:18 -CV-66-MPM-JMV

**WEBSTER COUNTY, MISSISSIPPI, SHERIFF TIM MITCHELL,
IN HIS OFFICIAL CAPACITY, CHIEF DEPUTY DILLON
CATES, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
and DEPUTY BLAKE LOVE, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITIES**

DEFENDANTS

MOTION FOR ABSTENTION

NOW COME DEFENDANTS, WEBSTER COUNTY (Officially), SHERIFF TIM MITCHELL (Officially), DEPUTY DILLON CATES (Officially and Individually), and DEPUTY BLAKE LOVE (Officially and Individually), by counsel, and respectfully move this Court for an order of abstention premised upon pending claims in state court intertwined with the instant civil claim over a March 3, 2018, felony pursuit.

1) PREMISE: Even though Plaintiff Salley is subject to a previously existing bench warrant from an indictment in circuit court over methamphetamine and is charged with felony flight arising from an incident on March 3, 2018, he wants this Court to issue an injunction against law enforcement prohibiting them from arresting him. Respectfully, this Court should decline jurisdiction.

2) BRIEFING: In accord with Uniform Local Rule 7(b), these Defendants are filing their supporting authorities herewith.

NOW, THEREFORE, these Defendants respectfully move this Court to dismiss the instant

Complaint with prejudice pursuant to Rule 12(b)(6) & (c), *Fed. R. Civ. Proc.*

FILED this the 16th day of April, 2018.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ **Daniel J. Griffith**
Daniel J. Griffith, MS Bar No. 8366
Attorney for Defendants

Of Counsel:

JACKS | GRIFFITH | LUCIANO, P.A.

P. O. Box 1209
150 North Sharpe Avenue
Cleveland, MS 38732
telephone: (662) 843-6171
facsimile: (662) 843-6176
cell: (662) 721-7323
Email: dgriffith@jlpalaw.com
www.jlpalaw.com

CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendants do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion to Dismiss* to be delivered by the ECF Filing System which gave notice to all counsel of record who have appeared herein.

Carlos E. Moore, Esq.
TUCKERIMOORE GROUP, LLP
306 Branscome Drive
P. O. Box 1487
Grenada, MS 38902-1487
662-227 -9940 - phone
662-227-9941 - fax
Email: carlos@tuckermorelaw.com

DATED this 16th day of April, 2018.

/s/ **Daniel J. Griffith**
Daniel J. Griffith